

Revised 03/06 WDNY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

23 CV 813-V

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

STEVEN MACKIE



-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- | | |
|------------------------|----------|
| 1. TOWN OF TONAWANDA | 4. _____ |
| 2. VILLAGE OF WARSAW | 5. _____ |
| 3. E.C. SUPERIOR COURT | 6. _____ |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: TRUSTPASS AGAINST EQUITABLE AND ALIENABLE 2ND AND 4TH AMENDMENT RIGHT.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: SOLE INTENT OF THE LAW WAS NOT BROKEN. NO INJURED PARTY, NO DAMAGE; CORPUS DELICTI - BODY OF THE CRIME NO ACCUSER

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: TRESPASS AGAINST ALIENABLE RIGHT TO BEAR ARMS, UNLAWFUL SEARCH AND SEIZURE OF CONVEYANCE AND PROPERTY, EXCESSIVE BAIL, RIGHT TO DO PROCESS OF THE LAW.

3. PARTIES TO THIS ACTION**PLAINTIFF'S INFORMATION** NOTE: To list additional plaintiffs, use this format on another sheet of paper.Name of First Plaintiff: Steven MackiePresent Address: 1440 Jefferson Ave. S.U. 020
BUFFALO, NY 14208

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.Name of First Defendant: Billie Jo Zakia (TOWANDA)Official Position of Defendant (if relevant): CHIEF CLERKAddress of Defendant: 25 Delaware Ave.
BUFFALO, NY 14202Name of Second Defendant: PAT WAGNER (WARSAW)Official Position of Defendant (if relevant): COURT OF CLERKAddress of Defendant: 83 CENTER ST
WARSAW, NY 14569Name of Third Defendant: Katie O'Neill (Seymour)Official Position of Defendant (if relevant): Court of ClerkAddress of Defendant: 1835 SHERIDAN DR
BUFFALO, NY 14223**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Cont Complaint

Toxawanda

J.P. Stauffer	1835 Sheridan Dr. Buffalo NY 14223
David Humphrey	1835 Sheridan Dr Buffalo NY 14223
P.D. Wrenwright	1835 Sheridan Dr Buffalo NY 14223
M. Agugliaro	1835 Sheridan Dr Buffalo NY 14223
LT. Valant	1835 Sheridan Dr Buffalo NY 14223
F.D. Rungo	1835 Sheridan Dr Buffalo NY 14223
Corvella JCC	1835 Sheridan Dr Buffalo NY 14223
Mark Gruber JCC	1835 Sheridan Dr Buffalo NY 14223

Cont Complaint

Village of Warsaw

D. Gonsick	42 W Buffalo St Warsaw NY 14569
P. Hoffmeister	42 W Buffalo St Warsaw NY 14569
Mark Sundt JCC	83 Center St Warsaw NY 14569
Ron Errington JCC	83 Center St Warsaw NY 14569
Vincent Hemming	147 N. Main St Warsaw NY 14569
W.C. Blythe JCC	83 Center St Warsaw NY 14569

Cont Complaint

Superior Court

John J Flynn DA	25 Delaware Ave. Buffalo NY 14202
Michael J. Keane	25 Delaware Ave Buffalo NY 14202
David M. ZAK	25 Delaware Ave Buffalo NY 14202
C.C. Cable	25 Delaware Ave Buffalo NY 14202

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;☐ By court due to your voluntary withdrawal of claim;☐ Judgment upon motion or after trial entered for☐ plaintiff☐ defendant.**5. STATEMENT OF CLAIM**

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) February 10, 2023

defendant (give the name and (if relevant) the position held of each defendant involved in this incident) _____

P.O. Humphrey, Wainwright, Aguilar, and Lt. Valint.

did the following to me (briefly state what each defendant named above did): P.D. Humphrey Stopped me for walking "Suspiciously" after pulling in a mini Stop, after he waited for me 20 Min until I returned to my Automobile. After Driving Passed Him He wrote me 5 Tickets. after running my Plate, He call for Back up, 5 officers + Lt. Come, Informing me of a warrant, I asked if He had it, No Reply. The Conflict is They Search + Seized personal Property. I was transporting my arms, which is my 2nd Amendment Right, but I Had a "Pistol Permit"; They found "The Order of Protection" out of NYC Dated 1/31/23. I was on vacation for 1 1/2 wks on returned on 2/9/23 (10:30 PM). The Next day I went to Turn →
 The federal basis for this claim is: Sole intent of the Law was Never Broken. My intent was to do what the "Order of Protection" Said (Immediately when I got Home) Next Day 2/10/23.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I want the Court to hold Accountable all Persons responsible for my emotional, Mental, or Physical "Duress" as well as Monetary Damages for Trespassing against my Alienable rights - See Fee Schedule.

B. SECOND CLAIM: On (date of the incident) 2/11/23

defendant (give the name and (if relevant) position held of each defendant involved in this incident)

P.D. YANICK; W.C. BLYTHE JCC; RON EDDINGTON JCC; MARK SUNDT JCC; Pat Wagner - Court of Clerk

did the following to me (briefly state what each defendant named above did): 7/18/21 I was Traveling and I was issued 3 TRTs. I'm Not Commercial, Not for Hire and I Didn't accept their offer to Contract. (in violation of My Common Law Copy Right) when I didn't appear. They ISSUED a warrant. Never knew it existed until I went to Jail on 1/20/23 or was Told To take Care of it. on 2/10/23 I^{was} arrested with the conflict at tomorrow. when Bailed Out, (Warrant) P.D. to me 70 miles at 10:45 PM To Be brought, excessive bail of \$2000 after excessive bail in one of \$25K. I was told to go To State Trooper Down →
 The federal basis for this claim is: Sole intent of the Law wasn't Broken. No injured Party, No Damage, No Accuser only "N.Y. State" - No Delegation of Authority.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Hold Accountable all Persons responsible for Emotional, Mental, or Physical "Duress" as well as Monetary Damages for Trespassing against my Alienable rights See Fee Schedule

If you have additional claims, use the above format to set them out on additional sheets of paper.

did the following to me (briefly state what each defendant named above did): _____

The federal basis for this claim is: _____

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes: _____

C. THIRD. On (date of the incident) 7/15/23
 defendant (give the name and (if relevant) position held of each defendant involved in this incident) DAVID ZAK
(ADA); SUSAN FAGAN (JCC)

did the following to me (briefly state what each defendant named above did): INDITE ME for bearing arms
with Permit (Here's the conflict) on vacation in NYC for 2 1/2 weeks as I
can't carry my arms there. Had altercation, an Order of Protection
issued. When I returned on 2/9/23, I was taking arms to my co-registered
my brother or landlord P.O. They are both within 2 miles of each other.
Profiled by PO Humphrey 2/10/23, led to search & seizure with self-concealment warrant.
3/15/23 OFFICIAL letter comes from Pistol Permit Dept. taken in all arms, received on 3/18/23.

The federal basis for this claim is: Right to bear arms (Had Permit); unlawful Search & Seizure
Trying me under STATE Jurisdiction of N.Y. BOTH ADA and Judge are a party to
 State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes: _____

If you have additional claims, use the above format to set them out on additional sheets of paper.

Cont Claim one

my arm in TO my CO-restaurant (my Brother) or Kanderst P.D.

Cont Claim Two

The way and Tell them "it's Code Blue" Can you Drive me Back TO Buffalo. I didn't know where TO go and the Sheriff's Holding Center was No Help. So I Slept in vestibule until the Next day when Someone picked me up.

Cont Claim Three

The Conflict is I can't carry arms in N.Y.C, They are in Buffalo SAFE. When I get home I take them The next Day an Get arrested and charged for Doing what the "Order of Protection" Said (immediately) Then approx 30 days later "Postal Permit" sent official letter TO Turn your arms in. Jan 21/23 - March 18/23

order of pro. 2/12/23 official letter
arrested

Federal Basis

New York State, there is NO criminal action under Statutory Jurisdiction in the Constitution. This is Civil at Best and Should Be tried under Admiralty Law or Common Law in which the Civil Rules of Procedure are different. There is "No injured Party, No Damage and NO intent TO Break the Law"

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Do you want a jury trial? Yes ☐ No ☒

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/10/2023
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Bj: Macke: Steven Baejany.
Signature(s) of Plaintiff(s)

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JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

STEVEN MACKIE

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

Town of Tonawanda
STATE OF NEW YORK ET ALCounty of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) ADA DAVID ZAK

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 PTF ☐ 1 DEF ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 PTF ☐ 4 DEF ☐ 4
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 PTF ☐ 5 DEF ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF ☐ 3 Foreign Nation ☐ 6 PTF ☐ 6 DEF ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

- ☒ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 USC 8242; 42 USC 1983

Brief description of cause:

NO ALTERNATIVE RIGHT TO COMP. ARREST WARRANT; 4TH AMENDMENT SEARCH & SEIZURE CONSENT

VI. CAUSE OF ACTION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

By: Mackie, Steve 8/10/23

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE